

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
AMARILLO DIVISION**

**DAVID PETERSON, JON BROOKS, ANNA  
BURNS, JOHN DOE #1 AND JANE DOE #2,  
and SNL WORKFORCE FREEDOM  
ALLIANCE,**

Plaintiffs,

v.

**NATIONAL TECHNOLOGY AND  
ENGINEERING SOLUTIONS OF SANDIA,  
LLC d/b/a SANDIA NATIONAL  
LABORATORIES, and HONEYWELL  
INTERNATIONAL, INC.,**

Defendants.

**Case No.:2:21-cv-00256-Z**

**BRIEF REQUESTED BY THE COURT ON THREE ISSUES**

**COME NOW** Plaintiffs, by and through their attorneys of record, and respond to the questions posed by the Court [DOC 7] as follows:

1. *Why it is necessary for the Court to issue a TRO in light of the nation-wide injunction in Georgia et al v. Biden et al ?*

The nation-wide injunction enjoins President Biden and other named Defendants from enforcing the mandate, however, the Defendants herein do not agree the nationwide injunction applies to them. Most importantly, the Defendants have taken the position that since litigation on the legality of the President's mandates is "in its early stages", Sandia Labs will continue with its

vaccine mandates. (See Exhibit 1, attached, Sandia Daily Mail memo stating their knowledge of injunctive relief, but disagreeing that it applies to them.) Due to the uncertainty of how extensive the ruling in *Georgia v. Biden* applies, we feel the matter needs to be clarified.

2. *What efforts have Plaintiffs made to notice Defendants regarding this suit?*

The instant lawsuit was filed just before the Christmas holidays. Counsel for Plaintiffs retained a process server in Hobbs, N.M. which is where the Registered Agent for Defendants NTESS and Honeywell is. The process server attempted service on NTESS's and Honeywell's agent on December 27 and learned that the office is closed until January 4th.

Co-counsel for Plaintiffs has been in communication with SNL's inhouse counsel Cindy Lovato-Farmer for at least a few months before filing suit. She was aware of the possibility of litigation and advised the undersigned of the agent for service of the process for one of the Defendants. A copy of all pleadings was sent to her by email on December 27.

3. *Reason why the Court should not require Plaintiffs to notice Defendants.*

While Defendants have given Plaintiffs until **January 18, 2022** to be “fully vaccinated” or thereafter be fired, the key date for purposes of a TRO is **January 4, 2022** (date was mistyped in the Motion for TRO as “January 4, 2021”) because Defendants now define “fully vaccinated” to be 14 days from your final injection. The definition for being “fully vaccinated” is a constantly moving target with booster after booster being recommended. (See Motion for TRO). Those Plaintiffs who have not gotten a final shot by January 4th will not have met the deadline and are at imminent risk of being fired.

It appeared to counsel that for purposes of needing a decision by January 4, to have response briefs (and perhaps reply briefs) and possibly a hearing in that timeframe was

impossible. Other federal courts in similar circumstances have issued TROs and set a schedule for briefing and a hearing that gave the parties sufficient time to address the legally complex and deep issues these vaccine mandate cases present. Because of the risk of imminent harm, and balancing of equities, as well as the likelihood of success, given the numerous federal court cases allowing injunctive relief on this same issue, plaintiffs request that an *ex parte* Temporary Restraining Order be entered, with a briefing schedule which will allow time for service of process and response from Defendants, as well as oral argument.

Respectfully submitted,

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*Pro Hac Vice Application to be submitted*

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